

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DEVIN RICHARDSON,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 20-110</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>DR. L. MURRAY,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Presently before the court is the report of Judge Arbuckle, (Doc. 43), recommending the court dismiss this case for failure to prosecute. Neither party filed objections to the report, and the time within which they could do so has passed.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D. Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). In any event, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or

recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

Since the report delineates the factual background of this case, it will not be fully repeated herein. (See Doc. 45 at 1–7). In sum, Plaintiff brought this civil rights action *pro se* in 2020. Defendant filed a motion for summary judgment (Doc. 38); Plaintiff failed to respond to that motion despite three separate orders from Judge Arbuckle requiring him to do so (Docs. 41, 42, 44). Judge Arbuckle conducted an extensive analysis to determine whether the case should be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute or comply with court orders. The report marches through the well-known factors under *Poullis v. State Farm Fire and Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984), which guide courts in the Third Circuit when analyzing a failure to prosecute. Judge Arbuckle found four of the six *Poullis* factors weigh in favor of dismissal. Notably, Judge Arbuckle found Plaintiff appears to have willfully failed to prosecute his claim and follow court orders.

Upon review, the court agrees with the sound reasoning that led Judge Arbuckle to his conclusion in his report and discerns no error of law. Accordingly, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Arbuckle (Doc. 43) is **ADOPTED IN ITS ENTIRETY AS THE OPINION OF THE COURT.**
- (2) This case is **DISMISSED** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.
- (3) Defendant's motion for summary judgment (Doc. 38) is **DISMISSED as moot.**
- (4) The Clerk of Court is directed to **CLOSE** this case.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**DATE: August 30, 2023**

20-110-01